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AF/1600
Docket No.: PF-0379-1 DIV

Response Under 37 C.F.R. 1.116 - Expedited Procedure
Examining Group 1652

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop: AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 30, 2003.

By: [Signature] Printed: Katherine Stofer

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Bandman et al.

Title: HUMAN MITOCHONDRIAL MALATE DEHYDROGENASE

Serial No.: 09/915,694

Filing Date: July 25, 2001

Examiner: Fronza, C.

Group Art Unit: 1652

Mail Stop: AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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TRANSMITTAL FEE SHEET

TECH CENTER 1600/2900

Sir:

Transmitted herewith are the following for the above-identified application:

1. Return Receipt Postcard; and
2. Notice of Appeal (1 pg.).

The fee has been calculated as follows:

<u>X</u>	Fee for filing Notice of Appeal under 37 CFR 1.17(b):	<u>\$ 320.00</u>
<u>X</u>	Please charge Deposit Account No. 09-0108 the amount of:	<u>\$ 320.00</u>

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 and 1.17, or credit overpayment to Deposit Account No. **09-0108**. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

INCYTE CORPORATION

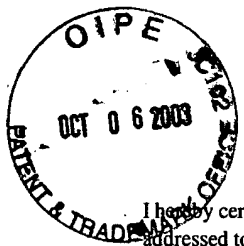
Date: 9/30/03

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: Bandman et al.

Title: HUMAN MITOCHONDRIAL MALATE DEHYDROGENASE

Serial No.: 09/915,694

Filing Date: July 25, 2001

Examiner: Fronda, C.

Group Art Unit: 1652

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES

Sir:

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision dated June 30, 2003, of the Examiner's rejection of Claim(s) 3, 6, 7, 9, and 12.

Please charge the Appeal fee of \$320.00 required under 37 CFR 1.17(b) to Deposit Account No. **09-0108**. The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayments to Deposit Account No. **09-0108**.

10/07/2003 JBALINAN 00000098 090108 09915694
01 FC:1401 320.00 DA

Date: 11/30/03

Date: 30 September 2003

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